

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

DURWARD O'NEAL BRISKEY,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 3:05-CV-726-F
)	[WO]
)	
CRAIG DAVIDSON, et al.,)	
)	
Defendants.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

On August 3, 2005, Durward O'Neal Briskey ["Briskey"], a county inmate, filed a 42 U.S.C. § 1983 action. In light of the mere conclusory allegation of a constitutional violation presented by the plaintiff, the court entered an order requiring that Briskey file an amendment to his complaint in accordance with the directives of such order. *See Order of August 9, 2005 - Court Doc. No. 3*. The information sought by the court was essential to the proper screening of the instant complaint. Thus, the court specifically cautioned Briskey that if he failed to comply with the aforementioned order this case would be dismissed. *Id.* at 2. The time allowed the plaintiff for filing an amendment to his complaint expired on August 19, 2005. As of the present date, the plaintiff has filed nothing in response to the order entered on August 9, 2005. The court therefore concludes that this cause of action should be dismissed.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case

be dismissed without prejudice for failure of the plaintiff to comply with the orders of this court and his failure to properly prosecute this action. It is further

ORDERED that on or before September 20, 2005 the parties may file objections to the Recommendation. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which the party is objecting. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and advisements in the Magistrate Judge's Recommendation shall bar the party from a de novo determination by the District Court of issues covered in the Recommendation and shall bar the party from attacking on appeal factual findings in the Recommendation accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981, *en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

DONE, this 7th day of September, 2005.

/s/ Susan Russ Walker

SUSAN RUSS WALKER

UNITED STATES MAGISTRATE JUDGE